

October 26, 2005
INSTITUTE PROGRAM
*Westin Hotel
5th & Vine Streets
Cincinnati, Ohio*

8:30 Registration and Continental Breakfast

9:00 Opening Remarks

*Mark G. Kobasuk, President
Cincinnati Chapter, FBA
Honorable Danny J. Boggs
Chief Judge, United States Court of Appeals
Sixth Circuit*

9:15 Preserving Issues for Appeal – How to Protect Your Record at Trial

*Honorable Sandra S. Beckwith
Chief Judge, United States District Court
Southern District of Ohio
Honorable Timothy S. Hogan
United States Magistrate Judge
Southern District of Ohio
Doreen Canton, Esq.
Cincinnati, Ohio*

10:00 Inside the Court – How the Court Processes Work

*Leonard Green, Clerk
Janice Yates, Chief Deputy Clerk*

10:45 Coffee Break

11:00 Hot Topics in Appellate Practice

- (1) The Great Published/Unpublished debate
Professor Suja A. Thomas
University of Cincinnati College of Law*
- (2) En banc Practice/Post-Judgment Proceedings
Pierre H. Bergeron, Esq.
Cincinnati, Ohio*
- (3) Interlocutory Review and Expedited Appeals
Kathleen McCree Lewis, Esq.
Detroit, Michigan*

BREAKOUT SESSIONS

11:45 The Settlement Conference Process - Effective Mediation Advocacy

*Robert W. Rack, Jr.,
Chief Circuit Mediator
Michael W. Hawkins, Esq.*

11:45 Sentencing after Booker - Fanfan

*Professor Douglas A. Berman
Moritz College of Law
The Ohio State University*

12:30 Luncheon

*Honorable Jeffery S. Sutton
United States Circuit Judge
Columbus, Ohio*

1:45 What Appellate Judges Do and Why - An Inside Look Into How the Judges' Prepare for and Participate in Oral Arguments

*Moderator: Kathleen Brinkman, Esq.
Cincinnati, Ohio*

Panelists:

*Honorable Ronald Lee Gilman
United States Circuit Judge
Memphis, Tennessee
Honorable John M. Rogers
United States Circuit Judge
Lexington, Kentucky
Honorable Jeffery S. Sutton
United States Circuit Judge
Columbus, Ohio*

2:45 Afternoon Break

3:00 What Lawyers Should Do and Why: Advocacy in the Court of Appeals

*Moderator: Kathleen McCree Lewis, Esq.
Detroit, Michigan*

Panelists:

*Honorable Danny J. Boggs
Chief Circuit Judge
Louisville, Kentucky
Honorable Julia Smith Gibbons
United States Circuit Judge
Memphis, Tennessee
Honorable Deborah L. Cook
United States Circuit Judge
Akron, Ohio*

5:00 Adjournment

SPEAKERS AND PANEL MEMBERS

Honorable Sandra S. Beckwith. Sandra S. Beckwith is the Chief Judge of the Southern District of Ohio. She was appointed to the District Court in 1992. Prior to her appointment to the federal bench, Judge Beckwith served as the first elected female judge of the Hamilton County Municipal Court and the Hamilton County Court of Common Pleas. She also served as the first woman on the Hamilton County Board of Commissioners. In addition to her lengthy record of public service, Judge Beckwith engaged in private practice in Cincinnati. Judge Beckwith received her B.A. and J.D. degrees from the University of Cincinnati.

Pierre H. Bergeron. Pierre H. Bergeron is an attorney at Squire, Sanders & Dempsey LLP in Cincinnati, with a practice focusing on appellate litigation. He previously clerked for the Honorable David A. Nelson of the Sixth Circuit, and received his JD from the University of Virginia and his BA from Centre College. Mr. Bergeron is a contributing author and editor for the upcoming edition of the Sixth Circuit Practice Manual and directs a clinic at the University of Cincinnati College of Law on appellate litigation.

Douglas A. Berman. Douglas A. Berman is a professor at the Ohio State University Moritz College of Law, where he has taught in the areas of criminal procedure and sentencing since 1997. He received his B.A. from Princeton University and his J.D. from Harvard. Professor Berman is perhaps best known as the creator of the *Sentencing Law and Policy Blog* (<http://sentencing.typepad.com>), which provides information and commentary about developments in sentencing law. He also serves as Co-Managing Editor of the *Sentencing Law Reporter*.

Honorable Danny J. Boggs. Danny J. Boggs is the Chief Judge of the Sixth Circuit. He was appointed as a Judge of the United States Court of Appeals for the Sixth Circuit on March 25, 1986. He received his J.D. from the University of Chicago in 1968. From 1973 to 1975 Judge Boggs was Assistant Solicitor General, U.S. Department of Justice. From 1975 to 1977, he was Assistant to the Chairman of the Federal Power Commission, and from 1977 to 1979, he was Deputy Minority Counsel, Senate Committee on Energy and Natural Resources. Judge Boggs served as Special Assistant to the President and Senior Policy Advisor, Office of Policy Development from 1982 to 1983, and from 1983 until his appointment to the Court of Appeals, Judge Boggs was the Deputy Secretary, U.S. Department of Energy.

Kathleen M. Brinkman. Kathleen M. Brinkman was an Assistant United States Attorney and Senior Litigation Counsel for the Southern District of Ohio, where she was responsible for prosecutions and appeals in complex white collar frauds, environmental crimes, and civil and criminal forfeitures. She is an Adjunct Professor in trial practice at the University of Cincinnati College of Law, where she received her J.D. in 1975.

Doreen Canton, a partner in the Labor and Employment Department of Taft, Stettinius & Hollister LLP, graduated from Canisius College and the University of Cincinnati College of Law, where she was Lead Articles Editor of the Cincinnati Law Review. Since 1988 she has advised and represented private and public employers on labor and employment issues and is an Ohio State Bar Association Board Certified Specialist in Labor and Employment Law. Ms. Canton is a frequent speaker at national, state and local legal seminars and to employers and professional groups. She is an adjunct faculty member of the University of Cincinnati College of Law, where she teaches a course on employment law. Ms. Canton is listed in the 2003-2004 and 2005-2006 editions of *The Best Lawyers in America*. She is admitted to practice before the Bar of the State of Ohio, the United States Court of Appeals for the Sixth and Seventh Circuits, the United States District Courts for the Southern and Northern Districts of Ohio and the United States Supreme Court. Ms. Canton is a member of her firm's Professional Women's Resource Group (PWRG).

Honorable Deborah L. Cook. Deborah L. Cook was appointed to the United States Court of Appeals for the Sixth Circuit in 2003. Judge Cook earned her B.A. and J.D. degrees from the University of Akron. Prior to her appointment, she engaged in private practice from 1978 to 1991. From 1991 until 1995, Judge Cook served as a Judge of the Ohio Ninth District Court of Appeals. From 1995 until her appointment to the federal bench, Judge Cook served as a Justice of the Supreme Court of Ohio.

Honorable Julia Smith Gibbons. Julia Smith Gibbons was appointed to the United States Court of Appeals in 2001. Prior to her appointment to the Sixth Circuit, she served as a United States District Judge for the Western District of Tennessee, from 1983 and served as the Chief Judge from 1994 to 2000. She received her B.A. degree from Vanderbilt University and her J.D. from the University of Virginia. Prior to her appointment as a federal judge, Judge Gibbons served as Legal Advisor to the Governor of Tennessee and as the first female judge of a trial court of record in Tennessee. Judge Gibbons has served as a member of the Judicial Panel on Multi district Litigation, and she currently serves as the Chair of the Committee on the Budget of the Judicial Conference of the United States.

Honorable Ronald Lee Gilman. Ronald Lee Gilman was appointed to the United States Court of Appeals for the Sixth Circuit in 1997. Judge Gilman earned his B.S. from the Massachusetts Institute of Technology and his J.D., cum laude, from Harvard Law School. Prior to his appointment to the Court of Appeals, Judge Gilman engaged in private practice in Memphis, Tennessee, where he served in a number of leadership positions in the bar.

Leonard Green. Leonard Green has been Clerk of the United States Court of Appeals for the Sixth Circuit since 1988. He received his J.D. from the University of Michigan in 1972. Mr. Green joined the court staff in 1976 and held positions of staff attorney and Chief Deputy Clerk prior to his appointment as clerk.

Michael W. Hawkins. Michael W. Hawkins is a partner in the Cincinnati office of Dinsmore & Shohl, where he engages in trial and appellate litigation in employment and labor cases. Mr. Hawkins received his B.A. and J.D. degrees from the University of Kentucky. He has served as an arbitrator and mediator on the American Arbitration Association Employment Law Panel and has served as an Employment Law Mediator and Arbitrator in many cases. He also has participated in numerous mediations in cases pending before the Sixth Circuit Court of Appeals.

Honorable Timothy S. Hogan. Timothy S. Hogan has served as a Magistrate Judge in the Southern District of Ohio since 1996. Prior to his appointment to the federal bench, Judge Hogan served as a judge of the Hamilton County Municipal Court and the Hamilton County Court of Common Pleas. He received his B.A. from the University of Dayton and his J.D. from Chase College of Law of Northern Kentucky University.

Kathleen McCree Lewis. Kathleen McCree Lewis has been a member of the Detroit firm of Dykema Gossett since 1982 where she specializes in appellate litigation. Ms. Lewis is Co-chair of the Appellate Practice Committee of the Litigation Section of the American Bar Association and Sixth Circuit Editor of the *Appellate Practice Journal*. She also is a member of the Sixth Circuit Rules Advisory Committee and a former member of the Michigan Task Force on Appellate Courts. She received her J.D. from the University of Michigan in 1973.

Robert W. Rack, Jr. Robert W. Rack, Jr. is the Senior Mediation Attorney in the Sixth Circuit's Appellate Mediation Program. Mr. Rack received his J.D. from the University of Toledo in 1969. After several years in the justice planning field, Mr. Rack joined the Court in 1981 and developed the Sixth Circuit's settlement program, which is the model for several other circuits.

Honorable John M. Rogers. John M. Rogers was appointed to the United States Court of Appeals in 2001. He received his B.A. degree from Stanford University and his J.D. from the University of Michigan. Prior to his appointment, Judge Rogers was a professor of law at the University of Kentucky beginning in 1978. From 1974 until 1978, he was an attorney in the Appellate Division of the Department of Justice where his work involved preparation of briefs and presentation of oral argument in the U.S. Courts of Appeals, and drafting of Supreme Court briefs, on behalf of numerous federal agencies.

Honorable Jeffrey S. Sutton. Jeffrey S. Sutton was appointed to the United States Court of Appeals for the Sixth Circuit in 2003. Judge Sutton earned his B.A. from Williams College and his LL.B. from the Ohio State University College of Law. Following graduation from law school, Judge Sutton served as a law clerk to the Honorable Thomas Meskill, of the United States Court of Appeals for the Second Circuit, and as a law clerk to Associate Justices Lewis Powell and Antonin

Scalia of the Supreme Court of the United States. In addition to engaging in the private practice of law in Columbus, Ohio, where he specialized in appellate litigation, Judge Sutton also served as the Solicitor for the State of Ohio from 1995 to 1998.

Suja A. Thomas. Suja A. Thomas is a Professor at the University of Cincinnati College of Law, where she teaches in the areas of civil procedure, employment, and sports law. She is a frequent author on these subjects, and received the Goldman Prize for teaching excellence in 2003. Ms. Thomas received her JD from New York University School of Law, and her BA from Northwestern.

Janice Yates. Janice Yates is the Chief Deputy Clerk for the Sixth Circuit. After a career in broadcast journalism, Ms. Yates received her J.D. from the University of Cincinnati, and served as a law clerk to the Chief Judge of the Court. Ms. Yates was appointed Chief Deputy Clerk in 1988.

Registration Form

Tuition for the Sixth Circuit Practice Institute is \$295.

The tuition covers a continental breakfast, full luncheon, and course materials.

Seating will be limited, so register early! • Registration on the day of the institute will be accepted if space is available.

Name

Address

City

State

Zip

e-mail

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Enclosed is my check in the amount of \$295 made payable to the
Cincinnati-Northern Kentucky Chapter, Federal Bar Association

Mail payment & registration to:
Sixth Circuit Practice Institute
P.O. Box 1191
Cincinnati, OH 45201

***For questions or additional
information, please call
James A. Higgins 513.564.7200***